

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MYDUNG HUYNH,

Plaintiff,

-against-

ANDREW SAUL, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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AZRACK, United States District Judge:

For Online Publication Only

ORDER
20-CV-5450 (JMA)

**FILED
CLERK**

2/18/2021 10:35 am

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Before the Court is the in forma pauperis application filed by counsel on behalf of plaintiff, Mydung Huynh (“plaintiff”). For the reasons that follow, the application to proceed in forma pauperis is denied without prejudice and with leave to renew upon completion of the AO 239 Long Form in forma pauperis application (“Long Form”) attached to this Order. Alternatively, plaintiff may remit the \$400.00 filing fee.

Plaintiff’s application provides very little information, making it impossible for the Court to assess plaintiff’s financial position. (See Docket Entry 2, generally.) For example, the only item of value plaintiff reports owning is a 2007 Chevy Malibu. (Id. ¶ 5.) However, in the space on the form that calls for a description of any regular monthly expenses and the amounts thereof, plaintiff lists only rent in the amount of \$1,700. (Id. ¶ 6.) There are no reported expenses for car insurance and gas, nor are there any other monthly expenses reported for items such as food and utilities. (Id.) Plaintiff reports having no money in cash or in a checking or savings account and reports having received a Long Term Disability Insurance payment from Liberty Mutual in the sum of \$1,073.80. (Id. ¶ 3.)

Given that the responses provided by plaintiff raise more questions than they answer, plaintiff’s application is denied without prejudice and with leave to renew upon completion of the

long form application enclosed with this Order within twenty one (21) days from the date of this Order. Alternatively, plaintiff may remit the \$400.00 filing fee. Plaintiff is warned that a failure to timely comply with this Order may lead to the dismissal of the complaint without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 18, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE